

REMARKS**Amendments to the Claims**

Claims 1-6, 10, 11 and 25 are pending. The Applicants respectfully ask the Examiner to replace all prior versions and listings of claims in the present application with the listing of claims currently provided. Claims 1-5 were amended; Claims 6-25 were canceled; and Claim 26 is new. The Applicants hereby state that the amendments to the claims do not add new subject matter to the specification.

Support for the amendments made to Claim 1 can be found at, *e.g.*, pg. 20, lines 20-25.

Support for Claim 26 can be found at, *e.g.*, pg. 20, lines 24-27.

Rejections Pursuant to 35 U.S.C. § 112, ¶ 1 Written Description

The Examiner has rejected Claims 1-6, 10, 11 as allegedly lacking written description under 35 U.S.C. § 112, ¶ 1. The Applicants respectfully ask for reconsideration under 37 C.F.R. § 1.111.

The Applicants submit that currently amended Claims 1-5 are fully supported by the present specification. Claims 6-25 were canceled for reasons not pertaining to the written description rejection. Therefore, the Applicants submit that the present specification provides adequate written description support for all pending claims and respectfully request withdrawal of the 35 U.S.C. § 112, ¶ 1 written description rejection against Claims 1-6, 10, 11.

Rejections Pursuant to 35 U.S.C. § 112, ¶ 1 Enablement

The Examiner has rejected Claims 1-6, 10, 11 as allegedly lacking enablement under 35 U.S.C. § 112, ¶ 1. Specifically, the Examiner contends that the present specification does not provide enough guidance to a person of ordinary skill in the art as to how to make a

modified BoNT/A with a decreased biological persistence comprising a mutation in any amino acid in SEQ ID NO: 15. The Applicants respectfully ask for reconsideration under 37 C.F.R. § 1.111.

The Applicants submit that currently amended Claims 1-5 are fully enabled by the present specification. Claims 6-25 were canceled for reasons not pertaining to the enablement rejection. Therefore, the Applicants submit that the present specification enables all pending claims and respectfully request withdrawal of the 35 U.S.C. § 112, ¶ 1 enablement rejection against Claims 1-6, 10, 11.

Rejections Pursuant to 35 U.S.C. § 112, ¶ 2 Indefiniteness

The Examiner has rejected Claims 1-6, 10, 11 as allegedly being indefinite under 35 U.S.C. § 112, ¶ 2. The Applicants respectfully ask for reconsideration under 37 C.F.R. § 1.111.

The Applicants submit that currently amended Claims 1-5 are definite. Claims 6-25 were canceled for reasons not pertaining to the indefiniteness rejection. Therefore, the Applicants respectfully request withdrawal of the 35 U.S.C. § 112, ¶ 2 indefiniteness rejection against Claims 1-6, 10, 11.

CONCLUSION

For the above reasons the Applicants respectfully submit that the claims are in condition for allowance, and the Applicants respectfully urge the Examiner to issue a Notice to that effect. The Examiner is invited to call the undersigned agent if there are any questions. Please use Deposit Account 01-0885 for the payment of any extension of time fees under 37 C.F.R. § 1.136 or any other fees due in connection with the current response.

Respectfully submitted,

/Dean G. Stathakis/

Dean G. Stathakis, Ph.D.
Registration No. 54,465
Agent of Record



ALLERGAN

LEGAL DEPARTMENT

2525 Dupont Drive
Irvine, California 92612-1599
Tel: 714/246-6521
Fax: 714/246-4249